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8 **UNITED STATES DISTRICT COURT**
9 **CENTRAL DISTRICT OF CALIFORNIA**
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11 FIDEL CASTILLO and OLGA O.
12 CASTILLO,

13 Plaintiffs,

14 v.

15 WELLS FARGO BANK, N.A. and DOES
16 1-10, inclusive,

17 Defendants.
18

Case No. 2:13-cv-08931-ODW(JEMx)

**ORDER DENYING AS MOOT
DEFENDANT'S MOTION TO
DISMISS [7] AND MOTION TO
STRIKE [8]**


19 On January 2, 2014, Defendant Wells Fargo Bank, N.A. filed a Motion to
20 Dismiss Plaintiff's Complaint and a Motion to Strike Portions of Plaintiff's
21 Complaint. (ECF Nos. 7, 8.) Plaintiffs Fidel Castillo and Olga O. Castillo opposed
22 both Motions on the merits on January 6, 2014. (ECF No. 10.) Nevertheless, on
23 January 17, 2014, Plaintiffs filed a First Amended Complaint. (ECF No. 12.)

24 A party may amend its pleading once as a matter of course 21 days after service
25 of a motion under Federal Rule of Civil Procedure 12(b), (e), or (f). Fed. R. Civ. P.
26 15(a)(1)(B). Plaintiffs' First Amended Complaint was filed within 21 days of Wells
27 Fargo's Motion to Dismiss and Motion to Strike. Since the First Amended Complaint
28 supersedes the original pleading, the Court hereby **DENIES AS MOOT** Wells
Fargo's Motion to Dismiss and Motion Strike. (ECF Nos. 7, 8.) The First Amended

1 Complaint is now subject to any motions authorized under the Federal Rules of Civil
2 Procedure.

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4 **IT IS SO ORDERED.**

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6 January 31, 2014

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10 **OTIS D. WRIGHT, II**
11 **UNITED STATES DISTRICT JUDGE**
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